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51

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Stephen Gold

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09/13/2004

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EXAMINER

NAHAR, QAMRUN

ART UNIT

PAPER NUMBER

2124

DATE MAILED: 09/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/667,516	Applicant(s) GOLD, STEPHEN	
	Examiner Qamrun Nahar	Art Unit 2124	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the RCE filed on 7/14/04.
2. The rejection under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention to claims 1-5 is withdrawn in view of applicant's amendments.
3. The rejection under 35 U.S.C. 102(e) as being anticipated by Chrabaszcz (U.S. 6,138,179) to claims 1, 3-8, 11-17 and 19-20 is moot in view of the new ground(s) of rejection.
4. The rejection under 35 U.S.C. 103(a) as being unpatentable over Chrabaszcz (U.S. 6,138,179) in view of Bearden (U.S. 6,490,723) to claims 2, 9 and 18 is moot in view of the new ground(s) of rejection.
5. The rejection under 35 U.S.C. 103(a) as being unpatentable over Chrabaszcz (U.S. 6,138,179) in view of Doran, Jr. (U.S. 6,385,766) to claim 10 is moot in view of the new ground(s) of rejection.
6. Claims 1, 6, 14 and 15 have been amended.
7. Claims 1-20 are pending.
8. Claims 1, 3-8, 11-17 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe (U.S. 6,763,458) in view of Chrabaszcz (U.S. 6,138,179).
9. Claims 2, 9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe (U.S. 6,763,458) in view of Chrabaszcz (U.S. 6,138,179), and further in view of Bearden (U.S. 6,490,723).

Art Unit: 2124

10. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe (U.S. 6,763,458) in view of Chrabaszcz (U.S. 6,138,179), and further in view of Doran, Jr. (U.S. 6,385,766).

Response to Amendment

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1, 3-8, 11-17 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe (U.S. 6,763,458) in view of Chrabaszcz (U.S. 6,138,179).

Per Claim 1 (Amended):

Watanabe teaches a method of manufacture of an operating system master template for installing at least one operating system onto a computer entity (column 8, lines 49-54), said manufacturing method comprising the steps of: installing a primary operating system on a first partition of a data storage device (column 8, lines 54-56); installing a secondary operating system on a second partition of said data storage device (column 8, lines 56-58); a third partition of said data storage device (column 8, lines 58-62); wherein said first, second, and third partitions of said data storage device are separate from each other (column 15, lines 60-67 to column 16, lines 1-24; column 17, lines 8-24); and wherein said secondary operating system is

Art Unit: 2124

installed on said second of said plurality of partitions of said data storage device only upon said primary operating system being installed on said first of said plurality of partitions of said data storage device and while the primary operating system is in a non-running static state (column 8, lines 54-67). Watanabe does not explicitly teach installing an installation component on a third partition of said data storage device. Chrabaszcz teaches installing an installation component on a third partition of said data storage device ("free area", column 7, lines 39-46).

It would have been obvious to one having ordinary skill in the computer art at the time of the invention was made to modify the method disclosed by Watanabe to include installing an installation component on a third partition of said data storage device using the teaching of Chrabaszcz. The modification would be obvious because one of ordinary skill in the art would be motivated to efficiently install application programs and automatically configure a computer system (Chrabaszcz, column 2, lines 62-67 to column 3, lines 1-4).

Per Claim 3:

The rejection of claim 1 is incorporated, and Chrabaszcz further teaches a back-up application sub-component for installation of a back-up application onto said computer entity (column 4, lines 26-31).

Per Claim 4:

The rejection of claim 1 is incorporated, and Chrabaszcz further teaches a plurality of set up data files for set up of said primary operating system, and a set up data file installation component for installing said set up data files onto said computer entity, and for deletion of said

Art Unit: 2124

set up data files after a successful set up of said primary operating system (column 4, lines 26-31).

Per Claim 5:

The rejection of claim 1 is incorporated, and Chrabaszcz further teaches a plurality of set up data files for set up of said secondary operating system, and a set up data file installation component for installing said set up data files onto said computer entity and for deletion of said set up data files after a successful set up of said secondary operating system (column 4, lines 26-31).

Per Claim 6 (Amended):

Watanabe teaches a method of manufacture of a computer entity, said computer entity comprising at least one data processor and at least one data storage device (column 8, lines 49-54), said method comprising the steps of: partitioning said data storage device into a plurality of partitions; installing a primary operating system onto a first of said plurality of partitions of said data storage device (column 8, lines 54-56); installing a secondary operating system onto a second of said plurality of partitions of said data storage device (column 8, lines 56-58); a third partition of said data storage device (column 8, lines 58-62); and wherein said first, second, and third partitions of said data storage device are separate from each other (column 15, lines 60-67 to column 16, lines 1-24; column 17, lines 8-24); and wherein said secondary operating system is installed on said second of said plurality of partitions of said data storage device only upon said primary operating system being installed on said first of said plurality of partitions of said data

Art Unit: 2124

storage device and while the primary operating system is in a non-running static state (column 8, lines 54-67).

Watanabe does not explicitly teach installing an installation component onto a third of said plurality of partitions of said data storage device or after installation of said primary and secondary operating systems, deleting said installation component. Chrabaszcz teaches installing an installation component onto a third of said plurality of partitions of said data storage device; and after installation of said primary and secondary operating systems, deleting said installation component (“free area”, column 7, lines 39-46 and column 4, lines 26-31).

It would have been obvious to one having ordinary skill in the computer art at the time of the invention was made to modify the method disclosed by Watanabe to include installing an installation component onto a third of said plurality of partitions of said data storage device; and after installation of said primary and secondary operating systems, deleting said installation component using the teaching of Chrabaszcz. The modification would be obvious because one of ordinary skill in the art would be motivated to efficiently install application programs and automatically configure a computer system (Chrabaszcz, column 2, lines 62-67 to column 3, lines 1-4).

Per Claim 7:

The rejection of claim 6 is incorporated, and Watanabe further teaches running a program to set up license key data on a further partition of said plurality of partitions of said data storage device (column 50, lines 6-8).

Art Unit: 2124

Per Claim 8:

The rejection of claim 6 is incorporated, and Chrabaszcz further teaches that the third partition onto which said installation component is installed comprises a reserved space partition, which is separate from said first and second partitions on which said primary and secondary operating systems are installed (column 8, lines 26-49).

Per Claim 11:

The rejection of claim 6 is incorporated, and Chrabaszcz further teaches that the step of installing said installation component comprises installing a back-up program installation component for installing a back-up program on said computer entity (column 4, lines 26-31).

Per Claim 12:

This is another version of the claimed method discussed above, claim 5, wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, this claim is also obvious.

Per Claim 13:

The rejection of claim 6 is incorporated, and Watanabe further teaches creating system identification data on said data storage device, wherein said system identification data uniquely identifies a relationship between said operating system and said computer entity ("partition table", column 14, lines 10-63).

Art Unit: 2124

Per Claim 14 (Amended):

This is a computer entity product version of the claimed method discussed above, claim 6, wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, this claim is also obvious.

Per Claim 15 (Amended):

Watanabe teaches a method of producing a production version of an operating system for installation into a production version computer entity (column 8, lines 49-54), said method comprising the steps of: creating an operating system master template having a plurality of partitions, wherein a primary operating system is stored on a first of said plurality of partitions, a secondary operating system is stored on a second of said plurality of partitions (column 8, lines 54-58), a third partition of said data storage device (column 8, lines 58-62); loading said operating system master template into a mastering computer entity to create a master disk image of said operating system master template on said mastering computer entity; and replicating said master disk image by loading said master disk image from said mastering computer entity onto said production computer entity (column 42, lines 62-67 to column 43, lines 1-26); wherein said first, second, and third partitions of said operating system master template are separate from each other (column 15, lines 60-67 to column 16, lines 1-24; column 17, lines 8-24); and wherein said secondary operating system is installed on said second of said plurality of partitions of said master disk only upon said primary operating system being installed on said first of said plurality of partitions of said master disk and while the primary operating system is in a non-running static state (column 8, lines 54-67).

Art Unit: 2124

Watanabe does not explicitly teach an installation component is stored on a third of said plurality of partitions. Chrabaszc teaches an installation component is stored on a third of said plurality of partitions (“free area”, column 7, lines 39-46).

It would have been obvious to one having ordinary skill in the computer art at the time of the invention was made to modify the method disclosed by Watanabe to include an installation component is stored on a third of said plurality of partitions using the teaching of Chrabaszc. The modification would be obvious because one of ordinary skill in the art would be motivated to efficiently install application programs and automatically configure a computer system (Chrabaszc, column 2, lines 62-67 to column 3, lines 1-4).

Per Claim 16:

This is another version of the claimed method discussed above (claims 4 and 5), wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, this claim is also obvious.

Per Claim 17:

This is another version of the claimed method discussed above, claim 3, wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, this claim is also obvious.

Per Claim 19:

Art Unit: 2124

The rejection of claim 15 is incorporated, and Chrabaszczyk further teaches that the installation component is installed on a third partition of said production computer entity ("free area", column 7, lines 39-46).

Per Claim 20:

The rejection of claim 15 is incorporated, and Watanabe further teaches creating a plurality of partitions on a data storage device of said production computer entity (column 15, lines 60-67 to column 16, lines 1-24; column 17, lines 8-24; and column 42, lines 62-67 to column 43, lines 1-26).

13. Claims 2, 9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe (U.S. 6,763,458) in view of Chrabaszczyk (U.S. 6,138,179), and further in view of Bearden (U.S. 6,490,723).

Per Claim 2:

The rejection of claim 1 is incorporated, and further, the combination of Watanabe and Chrabaszczyk does not explicitly teach that the installation component comprises database installation sub-components configured for installation of database onto a said computer entity. Bearden teaches that the installation component comprises database installation sub-components configured for installation of database onto a said computer entity (column 5, lines 55-67 to column 6, lines 1-32).

It would have been obvious to one having ordinary skill in the computer art at the time of the invention was made to modify the method disclosed by the combination of Watanabe and Chrabaszcz to include that the installation component comprises database installation sub-components configured for installation of database onto a said computer entity using the teaching of Bearden. The modification would be obvious because one of ordinary skill in the art would be motivated to install files, in which an installation process can be customized without always individually customizing an installation file before initiating the installation process for the installation file's associated software application (Bearden, column 1, lines 26-30).

Per Claim 9:

This is another version of the claimed method discussed above, claim 2, wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, this claim is also obvious.

Per Claim 18:

This is another version of the claimed method discussed above, claim 2, wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, this claim is also obvious.

14. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe (U.S. 6,763,458) in view of Chrabaszcz (U.S. 6,138,179), and further in view of Doran, Jr. (U.S. 6,385,766).

Per Claim 10:

The rejection of claim 6 is incorporated, and further, the combination of Watanabe and Chrabaszcz does not explicitly teach the step of deleting said installation component comprises deleting a database installation component after a successful installation of a database on said computer entity. Doran, Jr. teaches that the step of deleting said installation component comprises deleting a database installation component after a successful installation of a database on said computer entity (column 16, lines 1-21).

It would have been obvious to one having ordinary skill in the computer art at the time of the invention was made to modify the method disclosed by the combination of Watanabe and Chrabaszcz to include the step of deleting said installation component comprises deleting a database installation component after a successful installation of a database on said computer entity using the teaching of Doran, Jr. The modification would be obvious because one of ordinary skill in the art would be motivated to save space by deleting the installation component after a successful installation.

Response to Arguments

15. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 2124

Conclusion

16. Any inquiry concerning this communication from the examiner should be directed to Qamrun Nahar whose telephone number is (703) 305-7699. The examiner can normally be reached on Mondays through Thursdays from 9:00 AM to 6:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki, can be reached on (703) 305-9662. The fax phone number for the organization where this application or processing is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kakali Chaki

QN
August 24, 2004

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